## THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

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RENE GUTIERREZ AND LIBRADA GUTIERREZ, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF RENE GUTIERREZ, JR., AND ROSANNA **GUTIERREZ AS NEXT FRIEND OF MONICA GUTIERREZ AND MONIQUE GUTIERREZ,** 

Plaintiffs,

V.

CITY OF SAN ANTONIO, TEXAS, SAN ANTONIO CHIEF OF POLICE WILLIAM O. GIBSON IN HIS OFFICIAL CAPACITY, SAN ANTONIO POLICE OFFICER LAWRENCE WALTERS, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY, AND SAN ANTONIO POLICE OFFICER ROBERT SOLIS, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY,

Defendants.

CIVIL ACTION NO. SA-95-CA-1060

## **ORDER**

On this day came on to be considered 1. Defendant City Of San Antonio's Motion For Summary Judgment; 2. Defendant Lawrence Walters' Motion To Dismiss And/Or For Summary Judgment: 3. Defendant Robert Solis' Motion For Summary Judgment (collectively the "Motions") and Plaintiffs' Response To Defendants' Motions For Summary Judgment (the "Response"). The Court after considering the Response and the Motions is of the opinion that Walters' Motion should be granted in part and the remainder of the Motions should be denied.

IT IS THEREFORE ORDERED that Plaintiffs claim alleging violations of the Eighth Amendment is dismissed.

IT IS FURTHER ORDERED that the Motions be in all other things denied.

day of fancary

H. F. GARCIA

UNITED STATES DISTRICT JUDGE